

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1)

LPA-749-2018 (O&M)

Raghvendra Singh & another

.....Appellant(s)

Versus

Ahir College Society, Rewari & others

.....Respondent(s)

(2)

LPA-1023-2018 (O&M)

Ahir College Society, Rewari

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

Reserved on : 15.03.2023

Pronounced on : 12.04.03.2023

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present:- Mr.Atul Lakhanpal, Sr.Advocate
with Mr.M.K.Mittal, Advocate
for the appellants in LPA-749-2018
and for respondent Nos.5 & 6 in LPA-1023-2018.

Mr.RBS Chahal, Advocate
and Mr.G.S.Dhaliwal, Advocate
for the appellants in LPA-1023-2018
and for respondent No.1 in LPA-749-2018.

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Saurabh Mago, AAG, Haryana
with Mr.Ishwar Singh, District Registrar of Societies, Rewari
Mr.Mahesh Kumar, Assistant Director, DR Office, Rewari
Mr.Sandeep Yadav, Dealing Clerk, DR Office, Rewari.

G.S. Sandhawalia, J.:-

The present set of 2 cross-appeals, bearing LPA-749 & 1023-
2018 have been filed against the judgment passed by the learned Single
Judge in the writ petition bearing CWP-15651-2017 filed by the Ahir

College Society, Rewari, who is also appellant in LPA-1023-2018. The argument that the Ahir College Society and The Governing Body of College were a single entity was repelled and it was held that they were two different bodies. However, regarding the induction of two members in the Ahir College Society, it was held that the appropriate authority should decide the matter within a period of two months and thereafter, conduct the elections of both the governing body as well as the Ahir College Society within a period of 3 months from the date of receipt of the certified copy of the order.

2. In LPA-1023-2018, the objection is thus regarding the finding that they are two separate bodies and accordingly, Mr.R.B.S.Chahal, Advocate in the said appeal has sought modification of the order of the learned Single Judge to that extent.

3. Mr.Atul Lakhanpal, Senior Advocate who has put in appearance before the learned Single Judge for respondent Nos.5 & 6, namely, Rao Inderjeet Singh and Raghvendra Singh who are appellants in LPA-749-2018 has questioned the directions issued by the learned Single Judge whereby the appropriate authority had been asked to decide the matter regarding the induction of the two members in the body of the Ahir College Society within a period of 2 months. The finding which was recorded by the learned Single Judge was on the ground that the Ahir College Society is governed by the Haryana Registration and Regulation of Societies Act, 2012 (for short the 'HRRS Act') whereas the governing body of the College is governed by the University Calendar/Rules.

4. Accordingly, it was held that the writ petitioner which was represented by Rao Yadavendra Singh who was the President of the Governing Body of the College and not of the Society. He had earlier

filed CWP-25041-2015 titled *Rao Yadavendra Singh Vs. District Registrar Firms & Societies & others*, challenging the show cause notice dated 03.11.2015 (Annexure P-12) which had been dismissed as withdrawn on 16.02.2016, to avail of the appropriate remedy against the said order, if any, which was to be passed by the District Registrar, Firms & Societies, in pursuance to the show cause notice issued. Thereafter, he had filed another writ petition bearing CWP-5134-2016 titled *Ahir College Society, Rewari Vs. State of Haryana & others* wherein he had challenged the order dated 08.03.2016 (Annexure P-13) which had been issued by the Assistant Registrar of the MDU University. CWP-2834-2017 titled *Ahir College Society, Rewari Vs. State of Haryana & others* had been decided on 17.02.2017 wherein permission was given to raise all the pleas with regard to Society being one or not before the Registrar who was seized of the matter. Resultantly, the appointment of the Administrator which had been proposed in the letter dated 08.03.2016 by the MDU University was directed to be kept in abeyance and directions were issued to the Deputy Registrar/Registrar to decide the objections which had been filed by Rao Inderjeet Singh as expeditiously as possible and preferably within a period of 2 months.

5. Accordingly, it was noticed that vide letter dated 11.05.2017 (Annexure P-16), the District Registrar had recommended the matter for election of the governing body of the Ahir College Society to the State Registrar Societies under the HRRS Act and the election of the governing body was to be held at the earliest possible by appointment of Ad-hoc Committee/Administrator in continuation of the earlier order dated 22.03.2016. It was noticed that on 06/16.06.2017 (Annexure P-17), vide the impugned order, the Government had appointed the Addl.Deputy

Commissioner as the Administrator for a period of 6 months or till the election was conducted and thus, a finding was recorded that the Governing Body of the College and the Ahir College Society are two separate entities both being governed by different statutes and having different functions.

6. The concern of the governing body was held limited only to the college affairs and its functions of the College Society. The election of the governing body had been held in the presence of the University Observer on 16.01.2012 but due to getting equal number of votes for the post of President and General Secretary, the result could not be declared. Thereafter, the election had again been held on 26.08.2012 and the petitioner had been elected the President and Rawat Kumar as Joint Secretary of the Governing Body whose term had already expired in August, 2015. It was noticed that due to frequent litigation and interim orders, the election could not take place. It was also noticed that the petitioner-Rao Yadavendra Singh had himself filed two separate nominations both for the post of the President of the governing body of the Ahir College Society, Rewari and for the corresponding post in the Ahir College Society which would show that both the bodies were separate entities. It was accordingly, held that the assignment was given to the University for conducting the elections of the Governing Body of the College and regarding the Ahir College Society, it had been given to the District Registrar.

7. It was held that an appeal was filed under Section 79 of the HRRS Act and without waiting for the decision of that, the present petition had been filed and the issue was being raised that the Governing Body and the Society were one and single entity. Resultantly, it was noticed that

though the term of both the Society and the governing body had expired but it was only on account of vacant post of the two members the election could not be held. Therefore, once he himself had filed nomination for the Governing Body of the College as well as for the Ahir College Society thus, he could not contend to the contrary. Resultantly, the said contention was rejected.

8. Mr.Lakhanpal, Senior Advocate, appearing for Rao Inderjeet Singh and Raghvendra Singh submits that the learned Single Judge did not refer to the order dated 24.05.2016 (Annexure R-5/6) wherein the issue of inducting two members was finally decided and the said order has never been subject matter of challenge. The same was out of a reference which was made as per the provisions contained under Section 67 of the HRRS Act and the induction of the two members namely Ms.Bharti Rao, daughter of Rao Inderjeet Singh and Smt.Usha, wife of Gajraj Singh as valid members of the Society on 16.01.2012 had been made and upheld. In the absence of any challenge being made to the speaking order passed by the Government, the learned Single Judge was not correct in directing that the appropriate authority should decide the matter with regard to the two members within a period of two months. It was further pointed out that on 13.08.2017 also, during the pendency of the writ petition, elections had also been held for the Ahir College Society and Rao Inderjeet Singh had been elected as President for the period from 2017-2020. The same was subject to the final decision of the writ petition since vide interim order dated 03.08.2017, it had been held that proceedings which took place in the meanwhile shall be subject to final decision of the case. It was pointed out that there was only one nomination received against the posts which were to be filled up of the President, Vice-President, General Secretary,

Treasurer and three Executive Members and since they were valid nominations, they had been duly elected.

9. It is submitted that in view of the interim order passed by the Co-ordinate Bench during the pendency of the present appeal on 13.08.2018, status quo was being maintained and elections were due again. It was further argued that Mr.Chahal could not explain why two nominations had been filed for the two posts of the Society and the Governing Body and how the argument was being raised and rather it was misconceived and there was no basis to contend as the governing body and the Ahir College Society was a different entity which was to be controlled as per the statute of the MDU University which had not been made party. The larger body was the Ahir College Society which had been set up and registered since 11.10.1972 and founded by the founder, Rao Birender Singh, father of Rao Inderjeet Singh and Rao Yadvendra Singh and on account of his death in 2010, the dispute has thus arisen.

10. Mr.Chahal in his usual manner tried to thicken the smoke screen and submitted that there was an admission which had to be noted since his client, Rao Yadvendra Singh's brother, Rao Inderjeet Singh himself had filed CWP-16302-2012 titled *Rao Inderjeet Singh Vs. M.D.University & others* in which he had averred that he had been elected President of the Governing Body of the Ahir College Society in the elections held on 16.01.2012. Resultantly, he had prayed that he should be elected as he has secured 6 valid votes against 5 valid votes secured by Rao Yadvendra Singh. He referred to the Memorandum of Association of the Ahir College Society, Rewari to submit that the membership of the Society was identical as that of the Governing Body and the affairs of the Society were to be vested in the Governing Body. Accordingly, reference

was made to various documents attached with the said writ petition to submit that there was an election held on 16.01.2012 which was of the Governing Body of the Ahir College and that was the case of Rao Inderjeet Singh himself and now he cannot turn around and contend to the contrary as Clause 4 of the Society Act provided that the membership of the Society was to be identical of the Governing Body.

11. Reliance was also placed upon the affidavit filed by the Deputy Commissioner, Rewari in the said case that the election had already been held on 16.01.2012 of the Ahir College Society and the tabulation of the ballot papers was drawn on 12.08.2012 which went on to show that they were one and the same body. The report of the Returning Officer, H.S.Yadav was referred to that the election had been held of the governing body of Ahir College Society on 16.01.2012 and the fact that there was a tie and both the brothers had secured equal number of votes which was 6. The certificate (Annexure P-7) in the said writ petition bearing CWP-16302-2012 showed that election had been held of the office bearers of the Society and the Governing Body of Ahir College and 15 ballot papers had been allotted to the Returning Officer on 16.01.2012 at 10 am. Accordingly, reliance was placed upon the agenda circulated on 30.11.2011 that meeting was to be held on 16.12.2011 to decide the date of election of the Ahir College Society and the appointment of the Returning Officer. The minutes of the meeting would go on to show that the date of election was fixed as 16.01.2012 and it had been agreed that Professor H.S.Yadav would be the Returning Officer for the said election.

12. It was contended that on 26.08.2012 elections had been held and Rao Yadvendra Singh had been elected as President as per the result declared on 30.09.2012. His brother Rao Inderjeet Singh had prayed on

11.10.2012 for setting aside the meeting which had been acted upon on 15.10.2012 (Annexure P-4) by the District Registrar, Firms & Societies, Rewari wherein the issue of filling up of two vacant posts in the membership of the Society had been put on hold by the District Registrar. Reliance was placed upon the communication dated 24.05.2013 (Annexure P-6) that there was no direction for conducting enquiry received from the office of the District Registrar, Firms & Societies, Rewari and therefore, no action could be taken.

13. It is submitted that the State had misused its powers by issuing instructions dated 07.06.2013 wherein directions had been issued that there was a distinction between the Governing Body of the Society and the governing body of an Institute running it and it was only to overcome the fact that in the case of the Ahir College Society, they were identical. Reliance was accordingly placed upon the communication dated 27.08.2015 (Annexure P-8) that the date of election of the Society had to be decided in a meeting which was to be held on 11.09.2015 and again directions had been issued by the District Registrar not to hold the meeting on 10.09.2015 (Annexure P-9). The same was on a complaint made by Raghvendra Singh that the meeting was being convened by the Ex-officio Secretary whereas he was the Secretary of the Ahir College Society. It was accordingly the case of Mr.Chahal that the State was interfering in the running of the Society and therefore, reliance was placed upon the communication dated 03.11.2015 (Annexure P-12) to submit that findings had been recorded as elections had been held on 26.08.2012 of the governing body of the Ahir College and that he had been declared elected as the President on 30.09.2012. Resultantly, he prayed for declaration of status quo and relied upon the judgment of the Apex Court in **Executive**

Committee of Vaish Degree College, Shamli & others Vs. Lakshmi Narain & others, AIR 1976 SC 888 and prayed for restoration of status quo as on 26.08.2012 being the President of the Society.

Findings:

14. In our considered opinion, the argument raised by Mr.Chahal is totally misconceived and a desperate attempt to confuse the issue that the Governing Body of the Society and the Governing Body of the College are one and the same entity. The Memorandum of Association of the Ahir College Society, Rewari (Annexure P-2) in the writ petition filed by Rao Inderjeet Singh bearing CWP-16302-2012 would go on to show that the Society was registered on 11.10.1972. It was established to administer, develop and maintain the educational institution called the Ahir College at Rewari, as per Clause 3. As per Clause 4, the membership of the Society shall be identical with that of the Governing Body and the affairs of the Society shall be vested in and administered by the Governing Body. As per Rule 2, the members of the Governing Body at that time was of 15 persons and it was to be the Chief Executive authority of the College having the control and the power to administer the property and funds of the College which were to be placed at the disposal of the College. As per Rule 4, the members of the Governing Body were not to be more than 15 and were not to be less than 7. If any vacancy occurred in the Governing Body, it was to be filled up by the remaining members by majority of votes, as per Rule 5. The Principal was to be the Ex-officio member of the Governing Body in addition to the above members, as per Rule 6. The quorum of the meeting of the Governing Body was to be 5 members, as per Rule 10 and there were supposed to be office bearers and the tenure

was to be of 3 years as per Clauses 11 & 12. Relevant clauses read as under:

“MEMORANDUM OF ASSOCIATION OF THE AHIR COLLEGE SOCIETY, REWARI.

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3. The objects for which the Society is established are:-

To administer, develop and maintain the educational institution called the Ahir College at Rewari and to manage, supervise and administer its affairs.

4. The membership of the Society shall be identical with that of the Governing Body, the affairs of the Society shall be vested in and administered by the Governing Body.

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RULES OF THE AHIR COLLEGE SOCIETY REWARI

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2. The Governing Body shall be the chief Executive authority of the College. It shall hold, control and administer the property and funds of the college as well as other funds placed at the disposal of the college for any special purpose.

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4. The members of the Governing body shall not be less than seven or more than fifteen.

5. If any vacancy occurs in the membership of the Governing body it may be filled in by the remaining members by a majority of votes.

6. The principal shall be ex-officio member of the Governing Body in addition to the above members.

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10. The quorum for every meeting of the governing body shall be five members.

11. The following shall be office bearers of the Governing Body

(i) President

(ii) Vice President

(iii) Secretary

12. The office bearers shall held office for a period of three years and shall be eligible for re-election.”

15. The stand of the State was specific that the petitioner was trying to mis-match the two separate entities which were governed by different rules as noticed by the learned Single Judge. The Ahir College Society was to be governed by 2012 Act and the Governing Body was to be governed by the University Calendar and rules.

16. Similarly, the stand of respondent Nos.5 & 6 in the writ petition, namely, Rao Inderjeet Singh and Rao Raghvendra Singh was also the same and rather they appended the nomination forms whereby Rao Yadvendra Singh had filled up the said forms both for the post of election to the office of the Governing Body of the Ahir College as President and also for the same post in Ahir College Society on 05.01.2012. The said nomination papers were signed by Rawat Kumar who was voter No.6 in the members of the Society of Ahir College and also Yadvendra Singh was voter No.9. Apparently, on 30.11.2011, it had been proposed that a meeting of the Ahir College Society will be held on 16.12.2011 and one of the agendas was to decide the date of the election of the said Society and the appointment of the Returning Officer for the same and for the appointment of the MDU observer, which would be clear from Annexure P-1. On account of the fact that the founder father, Rao Birender Singh had expired on 30.09.2008, two minutes silence was also observed whereas both the brothers along with other members were present and they were 8 members. Resultantly, vide the said meeting, the minutes of the last meeting of the Society was confirmed and the activities of the Society for the past one year and the accounts of the Society was also approved by the 8 members. The date of the election was fixed for 16.01.2012 and the communication was to be given to all the members of the Society and the MD University was asked for appointment of Observer whereas Professor

H.S.Yadav was to be the Returning Officer for the said election. Apparently, on the said date, only 12 members participated and voted in the election and Smt.Mamta Yadav was not present. Resultantly, there was a tie for the post of President and the General Secretary. Apparently, the Returning Officer, on account of no unanimity amongst the candidates for the toss, referred the matter on 16.01.2012 to the University/Government for necessary action while noting that election of two representatives of Teachers, one representative of non-teaching staff and for Vice President of the Governing Body, no voting had been held and they had been elected unanimously. Arti Singh Rao had been elected as Treasurer having secured 7 votes against 5 which would be clear from the declaration of the result which was signed also by Professor Naresh Kumar and Professor S.C.Sharma who were the University and the Government nominees respectively which specifically were for the Governing Body of the College. It was mentioned that for the posts of President and General Secretary, no-one was declared elected.

17. Resultantly, Rao Inderjeet Singh had filed the said writ petition wherein he referred to Statute of the MD University, Rohtak which provided that every college has to have a Governing Body consisting of not more than 21 members and not less than 11 members and the Governing Body of the College was to be consisting of first 4 members of the Society, members of the College with Principal as the Ex-officio Principal Secretary. The other members were to be nominated by the President, one by University, one by the State Government and three were to represent the staff. In cases where the Governing Body was of less than 21 members, the number falling in each categories were to be determined on proportionate basis, the representation of the University and the

Government remaining invariable. The life of the Governing Body was also be of 3 years and election was to be held after every 3 years. The supervision was to be done by the Observer and the University was competent to constitute the new Governing Body in case the elections are not held and the same was to be subject to the approval of the University. The relevant statute reads as under:

“38.25 Each College shall have managing committee known as governing body consisting of not more than 21 and not less than 11 members, the president, Vice-president, treasurer, general secretary and secretary shall be the office bearers of the governing body. The first four shall be elected by the general body of members of the society/ trust running the college. The principal shall be the ex-officio member-secretary of the governing body. Of the remaining sixteen members 11 shall be nominated by the president, one by University, one by the State Govt. and three shall represent the staff. In cases where the governing body consists of less than 21 members, the number falling in each of the above categories will be determined on a proportionate basis, the representation of the University and the Govt, remaining invariable. As soon as the governing body is constituted, the names of the members will be communicated to the University and the director of higher education Haryana by the secretary. The life of the governing body shall be three years and fresh election shall be held after every three. The election shall be held under the supervision of an observer to be appointed by the University who shall certify that the election has been held properly and according to rules. In case the election are not held at the end of the period stipulated above, the University shall be competent to constitute a new governing body. The constitution, election and personal of the governing body shall be subject to the approval of the University. The change in the constitution on the above lines shall be a pre-condition for the release of maintenance and other grants. Applications for grants accompanied with certificates that the salaries of the employees have been paid and all other conditions relating to affiliation and such grants have been complied with shall be routed through the University.

If in inquiry, it is found that a recognized non-govt. college is not being properly administered, the Executive Council, may authorise the Vice-Chancellor to appoint additional representatives or representatives of the University on the managing body of the college for such period as may be prescribed by the Executive Council, if the representative of the university are not invited to a meeting of the managing body and or/ a meeting of the governing body is held without the presence of the University representative, the proceedings of that meeting shall be regarded as invalid. In case, the University representative does not attend a meeting even after having confirmed his presence in writing the proceedings of such meeting shall be valid. There must be at least three meetings of the governing body in a year i.e. one per term.

T.A. and D.A. of University representatives shall be paid by the college concerned.”

18. It was, thus, the case of respondent No.5 that on account of equal number of votes polled, he had sought approval for election as President being the Vice-President and on account of the death of his father and was entitled to exercise the powers as per Rule 13 and was entitled to conduct and regulate all meetings and appoint any committee and his ruling of all kind of order shall be final and conclusive. Apparently, the University had not approved the said claim for Presidentship for the Governing Body and resultantly, vide Annexure P-9 with the said writ petition, his claim for the post of Presidentship was rejected and it was directed that fresh elections be held for the posts of President and General Secretary. He had also raised objection that there was an additional ballot paper which had been torn and the vote of his brother, Rao Yadvendra Singh should be declared invalid and resultantly, challenge had been raised to the holding of the second election in the writ petition in August, 2012. Notice of motion was issued on 24.08.2012 in the said case wherein it was directed that the election process should go on

but the result should not be declared. The reply filed by the then Deputy Commissioner would go on to show that the ballot papers were opened in the presence of Rao Yadvendra Singh on 28.08.2012 in the D.C. Court Hall. The Deputy Commissioner in the presence of the CJM opened the ballot papers and made an inventory of all ballot papers lying sealed therein. The inventory was to indicate the number of ballot papers retrieved their condition and the votes which had been cast in favour of different candidates, in a tabulated form. It was found that there was 6 ballot papers in favour of both the brothers for the post of President and similarly for the post of Joint Secretary, it was also 6 ballot papers whereas for the post of Treasurer, namely, Ms.Arati Singh Rao had obtained 7 votes. However, the fresh election process was going on but the result was not declared since apparently the writ petition had been filed and a fresh election had been fixed for 26.08.2012. The writ petition was eventually withdrawn on 10.09.2012.

19. On 26.08.2012 (Annexure R-5/5), Rao Yadvendra Singh stood elected to the post of President and Rawat Kumar was elected as Joint Secretary to the Governing Body of the Ahir College without contest which would be clear when the result of the office bearers of the Governing Body of the Ahir College in the presence of the University Observer and the Government nominees declared as a non-contested election. The said factor was also noticed on 30.09.2012 wherein meeting was held of the Ahir College Society to constitute the Governing Body of the College under the Presidentship of Rao Yadvendra Singh himself. Resultantly, 19 persons were nominated as the Governing Body members which included the two teaching staff representative, the Principal and one non-teaching staff representative apart from the two nominees who were

to be appointed by the University and the Government. It was specifically mentioned that the 3 years' tenure of the Governing Body of the College was for the year 2012-2015. Thereafter, on 08.10.2017, election was held of the office bearers of the Governing Body of the Ahir College under the supervision of the University Observer and the Vice Chancellor nominated Rao Inderjeet Singh as President along with three office bearers and two teaching staff representatives, one non-teaching staff representative and four nominated members which included the daughter of the President, namely Bharti Singh Rao. The Vice Chancellor of the Indira Gandhi University, Meerpur, Rewari also appointed Dr.Raj Kumar Yadav as Univeristy nominee for 3 years w.e.f. 08.10.2017.

20. Mr.Lakhanpal also pointed out that he has placed on record subsequent election which was held for the year 2017-2020 for the Ahir College Society in which, Rao Inderjeet Singh was elected as President by the Administrator and Smt.Asha Yadav was elected as the Vice-President. The said result was subject to the final decision of CWP-15651-2017 out of which the present appeals are arising since on 03.08.2017, the learned Single Judge had directed that proceedings could take place in the meanwhile but subject to the final decision of the case. It is pertinent to notice that the challenge had been raised to the order dated 06/16.06.2017 (Annexure P-17) in the writ petition wherein the Government while noting that the Ahir College Society which is the present body was in receipt of Grant-in-Aid for its educational institutes and being an Aided Society, the Administrator could be appointed under Section 68 and which is clear from Section 68(1)(iv) of the 2012 Act, which is on account of failure to hold election of the Governing Body of the Society. It had been noticed that the earlier tenure was expiring in the year 2015 and therefore, the

Addl. Deputy Commissioner had been appointed as Administrator for a period of 6 months to manage the affairs of the Society and exercise the powers and functions in the Governing Body under Sub-sections 2 & 3 of Section 68 for managing the affairs of the same and to hold the elections. Thus, apparently, the said order was duly complied with and this fact has not been mentioned by the learned Single Judge that elections had taken place also on 13.08.2017. Resultantly, while disposing of the writ petition, the learned Single Judge had not referred to the said fact. The said factum was also recognized by the Registrar under Section 33 (4) of the 2012 Act which was filed with the District Registrar on 17.08.2017. We had also asked the State Counsel to confirm these facts and with the assistance of Mr. Ishwar Singh, District Registrar of Societies, Rewari said facts were got confirmed and also the fact that they are separate legal entities.

21. A perusal of the notification dated 11.10.2012 would also go on to show that on account of re-election held on 26.08.2012, result of which was declared on 30.09.2012, Rao Yadvendra Singh was elected as the President of the Governing Body of the College along with the two teaching staff representatives and one non-teaching staff representative which had not been opposed at that point of time as also noticed earlier. Apparently, the State also on 07.06.2013 had issued necessary instructions that there is a distinction between the Governing Body of the Society and the Governing Body of the Institutes running it and the Society could have more than one Institute like a college, school or hospital whereas the Institute should have a separate Governing Body for the running of that particular Institute. The judgment which has also been relied upon by

Mr. Chahal in Executive Committee of Vaish Degree College, Shyamli

(supra) rather clarifies this aspect that registration under the Societies Act would not give any statutory recognition and that is what has happened in the present case that where there is a larger Governing Body of the Ahir College Society, it would not mean that the Governing Body of the College which consists of different members including the representatives of the teaching staff and the non-teaching faculties of the University nominees would have also a role in governing the Society in question. The University was trying to exercise its powers to ensure that the Governing Body of the College was in place and the effect of not having the Governing Body in place would be giving a right to the M.D.University and its successor University to impose various conditions. Affiliation granted to the said Institute is one thing whereas the statutory duties were to be controlled by the Registrar of Firms & Societies and would not be over the Governing Body of the College but would only be over the Governing Body of the Ahir College Society. It was in such circumstances, the Administrator had been appointed of the Society which is distinct and different entity and therefore, we do not find any plausible reason to accept the argument which has been raised by Mr.Chahal whereby he seeks restoration of status quo as on 26.08.2012 as apparently, in the election held thereafter, Rao Inderjeet Singh was elected as President of the Society and also of the Governing Body of the College on 08.10.2017.

22. It is, thus, the case of Rao Inderjeet Singh in the written statement that the election of Ahir College Society had not taken place and the petitioner was preventing the holding of the said election. It is the specific case that Rao Yadvendra Singh was the President of the Governing Body of the Ahir College at one point of time and not of the

Ahir College Society. Rather the categorical case is that the order dated 06.02.2012 whereby approval was given to the members who had been inducted in the Society has not been challenged. On 16.01.2012, in a meeting held after there was a tie for the post of President, the two lady members had been inducted against the vacancies of the Society which had accordingly been approved. The objection had been raised apparently to the filling up of the two vacancies also and the department had enquired into the same and taken opinion from the Advocate General, Haryana who had opined that the quorum was complete and resolution could be passed in the said meeting whereby two members had been inducted. Resultantly, it was held that the induction in the meeting held on 16.01.2012 was by the majority of the members present. The said order dated 24.05.2016 (Annexure R-5/6) has also not been challenged by the petitioner, Yadvendra Singh though the writ petition was filed in the year 2017 and neither any replication has been filed to controvert the stand taken by the private-respondents.

23. A perusal of the order dated 11.05.2017 (Annexure P-16) passed by the District Registrar, Firm & Societies would also go on to show that a finding was specifically recorded that the election held on 26.08.2012 was an election of the Governing Body of the Ahir College and not of the Society and in pursuance of the same, the result of which was declared on 30.09.2012 and notification dated 11.10.2012 had been issued by the M.D.University of the Governing Body of the Ahir College and both of the two were separate entities. Accordingly, Rawat Kumar was noticed to be the Joint Secretary of the Ahir College whereas Rao Raghvendra Singh was the General Secretary of the Ahir College Society which was registered with the Registrar and rather the election had to be

held of Ahir College Society and was to be held at the earliest by appointing an Adminsitrator. Apparently, in pursuance of the said order, the Government has passed the impugned order dated 06/16.06.2017 whereby as noticed the elections were duly held on 13.08.2017 of the Ahir College Socieyt and Rao Inderjeet Singh was elected as President.

24. Thus, we are of the considered opinion that the learned Single Judge was justified to hold that the Ahir College Society and the Governing Body of the Ahir College Society were two different entities and governed by different statutes and the role and responsibilities were different. Thus, the findings recorded by the learned Single Judge do not suffer from any infirmity and resultantly, LPA-1023-2018 is dismissed. However, the finding of the learned Single Judge that the Government is to decide regarding induction of the two members of the Ahir College Society was not justified and LPA-749-2018 is allowed, since the Government had also taken a call on the said issue on 24.05.2016 (Annexure R-5/6) which decision has never been challenge by Rao Yadvendra Singh at any point of time. Resultantly, the said appeal is allowed and the order of the learned Single Judge, is modified, to that extent.

25. However, the State shall take steps to hold elections of the office bearers of both the Society and the Governing Body within the next three months.

(G.S. SANDHAWALIA)
JUDGE

12th April, 2023
Sailesh

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : Yes

